IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 9270 of 2007(C)

PETITIONER:

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1. JOHNSON.N.KURIAN, S/O. KURIAN,
   AGED 52 YEARS, NJAVARAKKATTU HOUSE, KADAVOOR
   VILLAGE, KOTHAMANGALAM TALUK.

2. THRESSIAKUTTY KURIAN, W/O. KURIAN,
   AGED 78 YEARS, RESIDIGN AT NJAVARAKKATTU HOUSE,
   KADAVOOR VILLAGE, KOTHAMANGALAM TALUK.

BY ADV. SRI.M.RAMASWAMY PILLAI

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY ITS SECRETARY, REVENUE DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THAHAZIDAR (RR),
   KOTHAMANGALAM TALUK, ERNAKULAM.

3. VILLAGE OFFICER,
   KADAVOOR KOTHAMANGALAM TALUK, ERNAKULAM.

4. STATE BANK OF INDIA,
   POTHANICADU BRANCH, REPRESENTED BY BRANCH MANAGER.

BY GOVERNMENT PLEADER ADV.SMT.ANU SIVARAMAN FOR R1,R2 & R3
STANDING COUNSEL ADV.R.S.KALKURA FOR R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)No.9270 of 2007

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Dated this the 26th day of March, 2007

J U D G M E N T

Heard.

2. The petitioner availed a loan from the 4th respondent bank. That led to a decree against the petitioner. That decree was put in execution. Simultaneously proceedings under the Revenue Recovery proceedings were also taken. The bank has withdrawn the execution proceedings before the Civil Court. Therefore it is entitled to go ahead with the revenue recovery proceedings. Having heard learned counsel for both sides for quite sometime, learned counsel for the petitioner confined his submissions to a request for a short time to wipe off all the entire outstandings.

In the aforesaid circumstances, this writ petition is disposed of directing that, if the petitioner remits the entire outstandings due as per the revenue recovery proceedings, in four equal monthly instalments, payable on or before the last

working day of every month commencing from April, 2007, without fail, after remitting an initial amount of Rs.2,00,000/- on or before 30.03.07, the revenue recovery proceedings will stand dropped. If there is any default in remitting any of the aforesaid instalments, the benefit of this judgment will stand recalled automatically.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj

/TRUE COPY/

P.A.TO JUDGE